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(5)

Ms SERIES.

G.O. No. 439

Dated 11th February 1946.

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[Despatch Abstract.]

Establishment - South Kanara district - Bench Court, Udipi - Temporary clerk - Further retention for one year - Sanctioned.

3277
22/1/46

R.O.C.No. 5287 of 1945 - D-3.

From

Rao Sahib K. Krishnaswami Ayyar, M.A., B.L.,
Assistant Registrar, Appellate Side,
High Court, Madras.

The Secretary to Government,
Home Department, Madras. (with enclosures).

22 JAN 1946

Dated 19th January 1946.

Sir,

Subject: Establishment -- South Kanara District - Bench Court, Udipi - Temporary Clerk - Further continuance

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I am directed to forward for orders of Government copies of letters Ref.No. C-3-4952-45-dated 3-12-1945, 17-12-1945 and 12-1-1946 from the District Magistrate, South Kanara and to state that in the circumstances stated therein the Honourable the Judges recommend the continuance of the temporary clerk in the Bench Court, Udipi, as requested by him.

2. Necessary provision has been made in the budget estimates of the current year and the next year for the retention of the clerk.

Assistant Registrar, Appellate Side.

VSS

V

Copy of the letter No. C-3-4952-45-dated 3-12-1945 from the District Judge Magistrate of South Kanara, Mangalore to The Registrar, High Court, Madras.

Establishment - S.K. District - Ist Class Bench Court - Udipi - Temporary Clerk - Retention - for one year more - proposals-

R No. In its order R.Dis.1289-44-dated 19-12-1944, the High Court, was pleased to sanction the continuance for a further period of one year from 4-2-45 of the temporary clerk, on Rs.19-30 per month in the I Class Bench Court Udipi. A statement of cases instituted and disposed of from 1-5-40 is given below.

| Period commencing from. | Period ending with. | Number received | Amounts of fines collected. | Number of sittings. |
|---|---|---|---|---|
| 1--5-1940 | 30-4-1941 | 407 | 302--6--0 | 116 |
| 1--5-1941 | 30-4-1942 | 769 | 266-12--0 | 116 |
| 1--5-1942 | 30-4-1943 | 451 | 1071--4--0 | 108 |
| 1--5-1943 | 30-9-1943 | 263 | 824-12--0 | 38 |
| 1-10-1943 | 30-9-1944 | 1072 | 2155-15--0 | 106 |
| 1-10-1944 | 30-9-1945 | 525 | 1179-12-10 | 97 |

The clerical work of the Court has not much decreased, although the number of cases received during this year upto 30-9-1945 is less than in the previous year. The clerk has also to attend to the work of the Special I Class Magistrate's Court, Udipi for which no separate establishment, has been sanctioned. It will thus be seen that the retention of the Temporary clerk is necessary. I recommend that sanction may kindly be accorded for the retention of the clerk for one more year from 4-2-1946 on a scale of Rs.19 to 30 per month.

Copy of the letter C-3 4952-45-dated 17-12-1945 from the District Magistrate of South Kanara to The Assistant Registrar, High Court, Madras.

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Establishment South Kanara District Bench Court - Udipi Temporary Clerk - Further retention - proposals - Additional - information called for - Report.

Your R.O.C.No. 5287 - 45- D-3 dated 10-12-1945.

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The information called for in the above reference is furnished below:--

| Year. | Number of cases filed in the Bench Court Udipi. | Number of cases filed in the Special I Class Magistrate's Court, Udipi. |
|---|---|---|
| 1940 | 394 | |
| 1941 | 714 | 6 (This Court began |
| 1942 | 549 | 6 to function only |
| 1943 | 659 | 24 from October 1941) |
| 1944 | 988 | 20 |
| 1945 (upto No.1945) | 471+43 = 514 | 14 |

SITTINGS.

| Month. | Bench Court, Udipi. | Special I Class Magistrate's Court, Udipi. |
|---|---|---|
| January 1945 | 6 | 6 |
| February 1945 | 6 | 13 |
| March 1945 | 7 | 14 |
| April 1945 | 9 | 10 |
| May 1945 | 7 | 6 |
| June 1945 | 16 | 14 |
| July 1945 | 9 | 13 |
| August 1945 | 5 | 11 |
| September 1945 | 7 | 13 |
| October 1945 | 11 | 13 |
| November 1945 | 11 | 12 |

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-2-

C.No

Copy of the letter 4952-45-C-3 dated 12-1-1946 from the District Magistrate of South Kanara, Mangalore, to The Assistant Registrar, Appellate Side, High Court, Madras.

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Establishment South Kanara District Bench Court, Udipi Temporary Clerk- Further retention - Report.

R.O.C.No. 5287-45-D-3 dated 21-12-1945 from the High Court, Madras.

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The number of cases before the Ist Class Bench Court, Udipi, during the current year is bound to increase for more than one reason. The quinquenial revision of assessment made by the Udipi Municipality recently will result in the instutition of more prosecutions. In 1945 112 cases which had legitimately to be instituted before the Ist Class Bench Court, Udipi were filed in the Court of the Stationary Sub Magistrate, Udipi.

2. The total number of sittings during the year both in the Bench Court and in the Special Ist Class Magistrate's Court work out to 246. The temporary clerk, maintains all the criminal registers and prepares summonses, warrants, returns etc., of both the courts. When there was no temporary clerk for the Ist Class Bench Court past experience ~~shwed~~ showed that the attender of the Stationary ~~Sub~~ Sub Magistrate's Court. Udipi was not able to cope up with the work, which necessitated the employment of a whole-time clerk for this court. In the present circumstances no clerk of the Taluk Office or of the Stationery Sub Magistrate's Court, Udipi can be spared for this duty due to the heavy work in those offices. By having a part-time clerk as contemplated in G.O.No. 3663-Law (General) dated 23-12-1924 as amended by G.O.Ms.491, Law (General) dated 10-2-1932, the work of both the Bench Court and the Special Ist Class Magistrate's Court, will suffer and the present good disposals may detoriate.

3. I may also add that the Additional Ist Class Magistrate's Court Mangalore, will be abolished from 1-4-46 and as such, the Special Ist Magistrate's Court will have to take up more first class cases thereafter. In view of all these facts, I am of opinion that the part-time arrangements contemplated in the Government Orders are not practicable. I therefore recommend the retention of the clerk for one more year from 4-2-1946.

4. The favour of very early orders is solicited.

True copy.

vss- T.D.

25/2.2.46

GH

Home Deptt

(C No 3277/57

Establishment: South Kanara district Bench court, Udipi — Temporary clerk — Further retention for one year — Sanctioned

Ref to (A)

Read again: G.O. 45-65 (146-J) Home d. 2-9-42
Read also from the D.M. South Kanara: No. C-3-4952-45 dated 3-12-45 and 12-1-46;
and from the High Court: Roc. 5287/45 D.B. d. 19.1.46
Order: MS. No 439 dated 11/2/46

Sanction is accorded to the retention for a further period of one year from 4-2-46, of the post of temporary clerk on Rs 19-30 p.m., last sanctioned for the bench court at UDIPI (SOUTH KANARA district) by the High Court in its proceedings: R. Dis No. 12-89/44 dated 19-12-44

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pp 7-8 of GoR 535 Home 743(i)

2. The expenditure should be met from the appropriation under "27-h Administration of Justice — Criminal Courts — Stationary and Sub Magistrates, Bench magistrates and other establishments — B Pay of establishments — Authorised"

Despd 16.2.46

To
The D.M. South Kanara
Copy to the C.J
" A.G. Mrs the Findept.

2.2.46
22.2.46

4/2/46

Note

For the reasons set out at X on p. 2 of the letter on page 3 of in his letter to the High Court, the D.M. South Kanara requests that the post of the temporary clerk for may be continued in the bench court, Udipi for a further period of one year from 4-2-46 the

R p2 of

Vor R. 1930 p6

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Hon'ble Judges of the High Court support the proposal. Para 1 - 11 - 3.
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